

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

GREGORY SHARPE,

Plaintiff,

v.

Case Number 06-11722-BC
Honorable Thomas L. Ludington

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION, GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGEMENT, AND AFFIRMING COMMISSIONER'S FINDINGS**

This matter is before the Court on the defendant's motion for summary judgment. The motion was referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1. The magistrate judge issued his report on January 10, 2007 recommending that this Court grant the defendant's motion and affirm the findings of the Commissioner. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, the plaintiff did not file any objections. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 13] is **ADOPTED**, the defendant's motion for summary judgement [dkt # 12] is **GRANTED**, and the plaintiff's motion for summary judgment [dkt # 11] is **DENIED**.

It is further **ORDERED** that the findings of the Commissioner are **AFFIRMED**.

It is further **ORDERED** that this case is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington

THOMAS L. LUDINGTON

United States District Judge

Dated: February 9, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 9, 2007.

s/Tracy A. Jacobs

TRACY A. JACOBS